

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

**JOHNNY L. BRADLEY, Individually and on
behalf of the wrongful death beneficiaries of
Timica M. Bradley, deceased, and Deante
Bradley, a minor, by and through his next
friend and natural father, Johnny L. Bradley**

PLAINTIFF

VS.

CIVIL ACTION NO. 4:03CV94LR

**COOPER TIRE & RUBBER COMPANY,
FORD MOTOR COMPANY and JOHN
T. EBERT**

DEFENDANTS

ORDER

This matter came before the court on the Plaintiff's Emergency Motion Regarding Cooper Tire's Objection to Tire Sectioning, by which the Plaintiff seeks leave of court to section two of the remaining three tires that were on the subject vehicle at the time of the accident in the presence of the Defendants. The court is not inclined to permit such a procedure at this juncture, for the primary reason that it would likely result in an amendment of the expert reports. This testing could have been performed at an earlier date, and permitting it now would have the probable effect of further delaying a case that is already over three years old. Therefore, in the absence of a trial continuance from the District Judge, the court cannot sanction this procedure.

IT IS, THEREFORE, ORDERED that the Plaintiff's Emergency Motion Regarding Cooper Tire's Objection to Tire Section is hereby **denied**.

IT IS SO ORDERED, this the 6th day of September, 2006.

s/John M. Roper
UNITED STATES MAGISTRATE JUDGE